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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

Douet, et al

Civil Action No.08-0267

versus

Judge Tucker L. Melançon

Diamond Offshore Company, et al

Magistrate Judge C. Michael Hill

MEMORANDUM RULING

Before the Court is a Motion For Partial Summary Judgment As To Plaintiffs' Claims For Loss Of Consortium filed by defendants Diamond Offshore Company, Diamond Offshore Drilling, Inc., Diamond Offshore Management Company, Diamond Offshore Services Company and Walter Oil & Gas Corporation. [Rec. Doc. 46]. This case arises out of personal injuries allegedly sustained by plaintiff, David Douet, while he was employed by Premiere, Inc. and working on a Premiere, Inc. casing job on the "Ocean Voyager," a jack-up vessel located on the Outer Continental Shelf, offshore Louisiana. *R. 46, Plaintiff's Depo., Exh. A, p. 138-39*. In addition to David Douet's claims, his spouse, Shelly Douet, and his minor children, Ashton Douet, Emily Douet, Kayle Douet and Devin Rogers, seek damages for loss of consortium as a result of his alleged injuries.

Defendants move the Court to dismiss the claims of David Douet's spouse and minor children as it is well settled under general maritime law and the applicable jurisprudence that there is no claim available to a spouse for loss of consortium when an accident occurs outside the state's territorial waters, as in this case. Plaintiffs concede that defendants' position in this regard is correct, but requests the Court to enter an Order of Dismissal Without Prejudice as to the loss of consortium claims in the event this issue is taken up by the Supreme Court

to resolve a split in the Second and Ninth Circuits. *R. 49*. Plaintiffs' contention related to the Second and Ninth Circuit on this issue is of no moment. The jurisprudence in the Fifth Circuit is clear that general maritime law precludes claims for loss of consortium for injuries that occur outside of the state's territorial waters. *Nichols v. Petroleum Helicopters, Inc*, 17 F.3d 119 (5th Cir. 1994).¹ Defendants motion will be granted.

¹ See also, *Broussard v. Avicara Energy Corp.*, 2005 WL 1473998 W.D.La., 2005.